REMARKS

By the foregoing amendments, claims 7 and 9 have been cancelled without prejudice. Claim 8 has been amended. Support for the amendment to claim 8 can be found in the specification on page 9, lines 6-7; pages 10-12; page 16, lines 9-10; page 40, line 6 to page 41, line 23. Support for new claim 11 can be found on page 16, lines 9-10. Support for new claim 12 can be found in original claim 8, SEQ ID NO:146, and page 16, lines 9-10. Support for new claim 13 can be found in Example 5B. Support for new claim 14 can be found on page 5, lines 5-22. Support for new claim 15 can be found at page 9, lines 6-7; pages 10-12; page 40, line 6 to page 41, line 23. Claims 1-6 are withdrawn from consideration.

Claims 8 and 10-15 are under examination in the application. The right to prosecute in this or in any subsequently filed continuation, continuation-in-part or divisional application the subject matter of any cancelled claim is hereby expressly reserved.

The Double Patenting Rejection

Claims 7-10 are rejected under the doctrine of obviousness-type double patenting as unpatentable over claims 12, 15, 26, 27 and 34 of U.S. 6,582,918 in view of Gold et al., U.S. 5,270,163, and Zimmerman et al., U.S. 5,425,940.

The Examiner asserts that subject claims 7 and 9, directed to methods of improving the pharmacokinetic properties of a PDGF nucleic acid ligand, recite the same process steps as claims 15 and 27 of the '918 patent. Although Applicants are not in agreement with the double patenting rejection of claims 7 and 9, they have, in the interest of expediting prosecution, canceled these claims.

The Examiner rejects claims 8 and 10 as obvious over claim 12 of the '918 patent which is directed to a method of inhibiting the growth of tumors by administering a complex comprising a PDGF ligand and a non-immunogenic, high molecular weight compound or a lipophilic compound. Applicants respectfully point out that claims 8 and 10 recite an additional process step, i.e., covalently linking a therapeutic or diagnostic agent with a Complex of SEQ ID NO.:146 and a Non-Immunogenic High Molecular

Weight Compound or Lipophilic Compound. This additional step is not taught or suggested in the claims of the '918 patent. The Examiner makes reference to the Examples of the '918 patent, but the examples of the '918 patent do not teach conjugation of a therapeutic or diagnostic agent to the Complex. Gold et al. (the '163 patent) may generally teach use of nucleic acid ligands for delivery of therapeutic agents, but do not teach use of nucleic acid ligand *Complexes* of nucleic acid ligands and non-immunogenic, high molecular weight compounds or lipophilic compounds, for delivery of therapeutic or diagnostic agents. Zimmerman et al. (the '940 patent) do not describe conjugation of therapeutic or diagnostic agents to Complexes of nucleic acid ligands and non-immunogenic, high molecular weight compounds or lipophilic compounds, and in fact, do not describe nucleic acid ligands at all.

The Applicants have further amended subject claim 8 to distinguish over claim 12 of the '918 patent by reciting that the biological target comprises a proliferative disease that is not a tumor. In contrast, claim 12 of the '918 patent is directed to a method of inhibiting growth of tumors. None of the claims of the '918 patent describe the process step of conjugating an agent to a Complex of nucleic acid ligand and Non-Immunogenic, High Molecular Weight Compound or Lipophilic Compound. The results of such conjugation, including inhibition of proliferative diseases, would not have been obvious. Gold et al. (the '163 patent) do not discuss cancers or tumors. Zimmerman et al. ('the 940) patent has been cited for its teachings only in relation to combination therapy for cancer, and this reference does not discuss proliferative diseases other than tumors.

Applicants therefore respectfully submit that there is insufficient teaching in the cited references to suggest to the skilled artisan a method of targeting a therapeutic or diagnostic agent by covalently linking the agent to a Complex of SEQ ID NO.:146 and a Non-Immunogenic, High Molecular Weight Compound or Lipophilic Compound, wherein the biological target comprises a proliferative disease that is not a tumor. Therefore, insufficient support exists for the rejection under the doctrine of obviousness-type double patenting and withdrawal of same is respectfully requested.

Applicants have added claim 11, dependent from claim 8, wherein the agent is a nucleic acid ligand. None of the cited references teach or suggest the possibility that the

agent conjugated to the Complex of nucleic acid ligand and Non-Immunogenic, High Molecular Weight Compound or Lipophilic Compound, is itself a nucleic ligand.

Applicants have further added claims 12-15 and request consideration by the Examiner. Claim 12 is distinguished over the cited references by the additional step of conjugation of an agent to the Complex, plus the limitation that the agent is itself a nucleic acid ligand. It is respectfully submitted that none of the cited references, alone or in combination, teach or suggest conjugation of an agent that is a nucleic acid ligand to a Complex of nucleic acid ligand and High Molecular Weight, Non-Immunogenic Compound or Lipophilic Compound.

Closing Remarks

It is believed that the foregoing amendments and remarks bring the subject case into condition for allowance and notification of same is respectfully requested.

Submitted herewith is a Petition for Extension of Time for one month with the authorization to charge the requisite fee to Deposit Account No. 19-5117. As mentioned above a Request for Continued Examination is also submitted herewith and includes an authorization to charge the required fee to Deposit Account No. 19-5117. It is believed that no other fees are due with this submission. If this is in error, please charge any necessary fees to Deposit Account No. 19-5117.

Respectfully submitted,

Date: December 28, 2009

/Margaret M. Wall/

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